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Docket: 010362

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: James A. Hutchison, IV; Confirmation No. 8522
Chidambaram Krishnan;
Tom Summers
Serial No.: 09/881,868
Filed: June 15, 2001 Customer No.: 23696
Examiner: Aravind K. Moorthy
Group Art Unit: 2131
Docket No.: 010362
Title: SUBSCRIBER IDENTITY MODULE VERIFICATION
DURING POWER MANAGEMENT

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313

Dear Sir:

This is an Appeal Brief responsive to the final Office Action mailed February 2, 2006, and Advisory Action mailed April 14, 2006. The Notice of Appeal was filed on June 1, 2006, with a one-month extension of time. This Appeal Brief is being submitted in triplicate. Included with the Appeal Brief is a check for \$500.00, as required by 37 C.F.R. §41.37(a)(2). Please also charge any additional fees that may be required or credit any overpayment to Deposit Account No. 17-0026.

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Docket: 010362

TABLE OF CONTENTS

	<u>Page</u>
Real Party in Interest.....	3
Related Appeals and Interferences.....	3
Status of Claims.....	3
Status of Amendments.....	3
Summary of the Invention	4
Grounds of Rejection to be Reviewed on Appeal	6
Arguments of the Appellant.....	7
Conclusion of Arguments	16
Appendix: Claims on Appeal.....	17

REAL PARTY IN INTEREST

The real party in interest is Qualcomm, Incorporated, of San Diego, California.



RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 34-53 are on appeal in this case.

Claims 34, 36-38, 40-48 and 50-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by Cassidy et al. (US 6,480,725) (hereafter Cassidy).

Claims 35, 39 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy in view of Tushie et al. (US 6,014,748) (hereafter Tushie).

Claims 1-33 have been canceled.

STATUS OF AMENDMENTS

The Application was originally filed with claims 1-33.

Appellant canceled claims 1-33 and submitted pending claims 34-53 in the Response to the Non-Final Office Action mailed March 2, 2005, which was filed with a Petition to Revive an Unintentionally Abandoned Application. Claims 34-53 were then rejected in a final Office Action, mailed on May 20, 2005.

Minor amendments to claims 34-53 were then submitted in an after-final Amendment dated August 25, 2005, along with arguments that refuted the final Office Action of May 20, 2005.

On October 4, 2005, Appellant received a new non-final Office Action, which rejected claims 34-53.

Appellant amended various ones of claims 34-53 in an Amendment filed a December 12, 2005. The claims on appeal are those submitted in the Amendment filed a December 12, 2005.

A final Office Action was mailed by the Patent Office on February 2, 2006.

Appellant submitted an after-final Response on April 6, 2006, identifying distinctions between the claims and the prior art applied in the final Office Action.

Docket: 010362

An advisory Action was mailed on April 14, 2006 affirming the finality of the claim rejections.

Again, the claims on appeal are those submitted in the Amendment filed a December 12, 2005.

SUMMARY OF THE INVENTION

In general, the Appellants' invention relates to wireless communication devices (WCDs) and Subscriber Identity Modules (SIMs) used in WCDs.¹ The claims on Appeal are directed to a SIM (claims 34-37), a WCD (claims 38-47) and a computer readable medium (independent claim 48-53).²

All pending claims generally concern a security authorization process for gaining access to a SIM in a WCD.³ The claimed invention is applicable when the WCD implements a power management routine in which the SIM is powered down and then later powered back up to manage power consumption by the SIM.⁴

A SIM is typically a card-like structure that contains information about a user, such as a user identifier, a phonebook, messages, billing codes, encryption keys, or other useful information that can be retrieved during use of a WCD.⁵ Typically, a SIM is removable, enabling a user to install the SIM in, or remove the SIM from, a WCD.⁶ The SIM can be removed from a first WCD, for example, and installed in a second WCD.⁷ In this manner, the SIM enables the user to transfer user information from one WCD to another WCD.⁸

Conventionally, a user is always required to enter a unique identification code, such as a numeric or alphanumeric pass code, in order to gain access to the SIM following power down of the SIM. In other words, conventionally, a user is required to re-enter the unique identification code each time the SIM is powered down and then powered back up. This adds inconvenience to the user if a power management routine

¹ See Application generally, paragraphs [0020]-[0061].

² See claims 34-53.

³ Id.

⁴ Id.

⁵ See Application, paragraph [0004]

⁶ See Application, paragraph [0005]

⁷ Id.

⁸ Id.

Docket: 010362

periodically powers down the SIM for power management purposes.⁹ In this case, the user is conventionally required to re-enter the unique identification code when the SIM is powered down and then powered back up.¹⁰

Appellant's claimed invention recognizes that user convenience is promoted by storing and reusing the unique identification code entered by the user in the security authorization process of the initial power up.¹¹ In particular, in accordance with the claimed invention, the unique identifier entered by the user at an initial power up is stored, and then automatically used again in a subsequent security authorization following a power down of the SIM by a power management routine.¹² In this manner, the claimed invention spares the user the inconvenient and possibly frequent task of reentering the unique identification code.

The claimed invention is applicable to WCDs that implement a SIM with security authorization, and also implement SIM power management.¹³ In this case, Appellant's claimed invention can eliminate the need for a user to re-enter the unique identification code in cases where the power down of the SIM was part of the power management routine.¹⁴ Instead, in this specific context of power management of the SIM, the claimed invention stores and reuses the unique identification code entered by the user at the initial power up.¹⁵

Various dependent claims further characterize the power management routine. For example, the power management routine may terminate power to the SIM in response to a power down command and on the basis of a voting process.¹⁶ Moreover, the power management routine may be defined so that power is terminated to the SIM only when no request is pending for service from the SIM and no software module running on the WCD requests maintenance of power to the SIM.¹⁷ In these or possibly other contexts of power management, the storage and reuse of the unique identification code entered by the user at the initial power up can promote user convenience.

⁹ See Application, paragraph [0048]

¹⁰ Id.

¹¹ Id.

¹² See Application, paragraph [0049].

¹³ See Application, paragraphs [0048]-[0049].

¹⁴ Id.

¹⁵ Id.

¹⁶ See dependent claims 43, 46 and 51 and paragraphs [0050]-[0051].

Docket: 010362

In summary, with the claimed invention, the user does not need to repeat the security authorization process each time the WCD initiates the power management routine to remove power to a SIM. Instead, by storing the unique identification code, the WCD can complete the power management routine for the SIM in the “background,” without adding inconvenience to the user. The resulting WCD is able to conserve power using a power management routine for the SIM without undermining the effectiveness and convenience of the security authorization process.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellants submit the following grounds of rejection to be reviewed on Appeal:

- (1) The first ground of rejection to be reviewed on Appeal is the rejection of claims 34, 36-38, 40-48 and 50-53 under 35 U.S.C. 102(e) as being anticipated by Cassidy (US 6,480,725).
- (2) The second ground of rejection to be reviewed on Appeal the rejection of claims 35, 39 and 49 under 35 U.S.C. 103(a) as being unpatentable over Cassidy in view of Tushie (US 6,014,748).

¹⁷ See dependent claims 44, 47 and 52

ARGUMENTS

The final Office Action rejected claims 34, 36-38, 40-48 and 50-53 under 35 U.S.C. 102(e) as being anticipated by Cassidy (US 6,480,725), and rejected claims 35, 39 and 49 under 35 U.S.C. 103(a) as being unpatentable over Cassidy in view of Tushie (US 6,014,748).

Appellants respectfully traverse the rejections. The Cassidy reference fails to disclose several features of the independent claims, and none of the applied references provide any teaching that would have suggested such features of the claimed invention. The Examiner has clearly misinterpreted Cassidy relative to the features of Appellants' claims.

FIRST GROUND OF REJECTION UNDER APPEAL

CLAIMS 34, 36-38, 40-48 and 50-53

Claims 34, 36-38, 40-48 and 50-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by Cassidy. In order to support an anticipation rejection under 35 U.S.C. §102, it is well established that a prior art reference must disclose each and every element of a claim. This well known rule of law is commonly referred to as the "all-elements rule."¹⁸ If a prior art reference fails to disclose any element of a claim, then rejection under 35 U.S.C. §102 is improper.¹⁹ In the current case, one or more features of claims 34, 36-38, 40-48 and 50-53 are not disclosed or suggested in Cassidy. Therefore, the rejections must be reversed.

Group 1 - Independent claims 34, 38 and 48

The current claims are directed to a subscriber identify module (SIM) (independent claim 34), a wireless communication device (WCD) (independent claim 38) and a computer readable medium (independent claim 48). All pending claims generally concern a security authorization process for gaining access to a SIM in a

¹⁸ See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (CAFC 1986) ("it is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention").

¹⁹ *Id.* See also *Lewmar Marine, Inc. v. Barient, Inc.* 827 F.2d 744, 3 USPQ2d 1766 (CAFC 1987); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (CAFC 1990); *C.R. Bard, Inc. v. MP Systems, Inc.*, 157 F.3d 1340, 48 USPQ2d 1225 (CAFC 1998); *Oney v. Ratliff*, 182 F.3d 893, 51 USPQ2d 1697 (CAFC 1999); *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 USPQ2d 1057 (CAFC 2000).

Docket: 010362

WCD, which is particularly applicable when the WCD implements a power management routine in which the SIM is powered down and then powered back up.

Contrary to the analysis set forth in the final Office Action, Cassidy fails to disclose the features required by Appellants' claims. As one very clear example, Cassidy does not disclose or suggest any technique in which a unique identifier entered by a user in response to an initial power up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter the unique identifier.

Appellant's claimed invention recognizes that user convenience can be promoted by storing and reusing the unique identification code entered by the user in the security authorization process of the initial power up. In particular, in accordance with the claimed invention, the unique identifier entered by the user in response to a security authorization process at an initial power up is stored, and then automatically used again in a subsequent security authorization following a power down of the SIM by a power management routine.

Cassidy merely describes techniques in which a user must enter a security PIN in order to gain access to a SIM. Nothing in Cassidy et al. suggests that the security PIN entered by a user in response to an initial power up is stored and then later applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter the security PIN. Any such teaching is simply lacking from Cassidy. The final Office Action seems to have misinterpreted this reference relative to these features of Appellant's claims, insofar as the Office Action indicates that Cassidy suggests such features.

Independent claim 34 recites a SIM adapted for and powered by a WCD, the WCD including a power management routine and a memory. The SIM comprises means for storing a first unique identifier, and means for receiving a second unique identifier from the WCD at an initial power up of the WCD, the second unique identifier being entered by a user of the WCD. The SIM also comprises means for accessing the first unique identifier at the initial power up of the WCD to compare the first unique identifier to the second unique identifier and to permit access to the SIM

Docket: 010362

by the WCD based on the comparison, and means for automatically receiving the second unique identifier at a subsequent power up of the SIM without the user re-entering the second unique identifier following the SIM having been powered down under control of a power management routine performed by the WCD. In addition, the SIM of claim 34 comprises means for comparing the second unique identifier automatically received from the WCD to the first unique identifier following the subsequent power up, and means for enabling access of the SIM by the WCD based on the comparison following the subsequent power up.

Independent claim 38 recites a WCD including a power management routine and a memory. The WCD is adapted for use with a SIM, wherein the SIM stores a first unique identifier. The WCD comprises means for storing in the memory a second unique identifier generated in response to a user performing an initial power up of the WCD, wherein the second unique identifier is compared to the first unique identifier stored in the SIM to permit access to the SIM by the WCD following the initial power up, and means, responsive to the power management routine, for powering down the SIM following the initial power up. The WCD of claim 38 also includes means responsive to the power management routine for powering up the SIM following the powering down, means for automatically transmitting the second unique identifier to the SIM without the user re-entering the second unique identifier following the powering up by the means responsive to the power management routine, and means for detecting access to the SIM in response to the SIM matching the second unique identifier automatically transmitted from the WCD to the first unique identifier stored in the SIM.

Independent claim 48 recites a computer-readable medium comprising instructions, including a power management routine, stored thereon for causing a WCD including a memory and adapted for use with a SIM that stores a first unique identifier to store in the memory a second unique identifier generated in response to a user performing an initial power up of the WCD, wherein the second unique identifier is compared to the first unique identifier stored in the SIM to permit access to the SIM by the WCD following the initial power up. The instructions also cause the WCD to power down the SIM in response to the power management routine following the initial power up, power up the SIM in response to the power management routine

Docket: 010362

following the power down, automatically transmit the second unique identifier to the SIM without the user re-entering the second unique identifier following the power up in response to the power management routine, and detect access to the SIM in response to the SIM matching the second unique identifier automatically transmitted from the WCD to the first unique identifier stored in the SIM.

The Office Action characterized the Cassidy reference as disclosing all of the features recited in the independent claims. Specifically, the Office Action cited a passage of Cassidy et al., at column 7, line 28 to column 8, line 3, as disclosing all of the features recited in the independent claims. The entire passage of Cassidy et al. at column 7, line 28 to column 8, line 3 is reproduced below:

FIG. 6 shows the information provided to the user on the display 9 when there is a change detected and no SIM card 30 is present. Again, in this case, manual selection is provided. The user is prompted to insert the SIM card (step 601). Alternatively, he is given the option of selecting to use the information stored in the EEPROM 6. In the event that the user selects to use the internal ID, then the security code 35 checking procedure described above in respect of FIG. 3a is performed (steps 606 to 608). However, if the internal ID information is not selected then the microprocessor 4 checks whether a SIM card has been inserted (step 605). If no SIM card is inserted the display continues to bear the insert SIM 40 message (step 601). However, if a SIM card is inserted, the PIN checking procedure described above in respect of FIG. 2a is performed (steps 602 to 604).

In a preferred embodiment, whenever a change in contact between the memory module and the memory module 45 receiver 10 is detected, the phone is power cycled (i.e. turned off and on). This ensures that the phone is completely reset to operate efficiently using the other form of information. Power cycling can be automatic. For example, if a SIM card falls out of the receiver when the phone is dropped, the 50 phone could be powered off and on in response to the reinsertion of the SIM card to ensure that the SIM information is quickly and efficiently used. Alternatively, the telephone may lead the user to manually power cycle the telephone when a change in contact is detected. For 55 example, in the embodiment shown in FIG. 6, after the SIM is inserted (after step 605) only the power key on the keypad 9 is capable of being operated, thus forcing the user to manually power cycle the telephone after inserting the SIM. Likewise, if the user selects the ID information in step 601, 60 then subsequently only the power key can be activated, in order to force the user to power cycle the telephone. In each case, once the telephone has been power cycled, the next steps may be performed.

Additionally, it is preferable if the SIM card receiver 10 65 is only accessible by removing the handset battery. In this way, the telephone will be powered down and up whenever

8

the SIM card is inserted or removed from the receiver by the user, thus ensuring efficient selection between the two information stores.

As is evident from a cursory reading, nothing in this cited passage of Cassidy discloses or suggests techniques in which a unique identifier entered by a user in response to an initial power up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter the unique identifier. Indeed, the passage above does not even describe a power management routine for a SIM, much less a technique in which a unique identifier entered by a user in response to an initial power

Docket: 010362

up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter unique identifier.

While Cassidy discusses a “power cycle,” it is clear from the description that this “power cycle” in Cassidy refers to a power on/off reset of the WCD, and not a power management routine in which power is disabled and then re-supplied to the SIM. Moreover, while the “power cycle” in Cassidy et al. may remove power from the SIM, it is clearly not referring to a power management routine, as required by Appellants’ claims. To be sure, Cassidy et al. specifically indicates that the described power cycle ensures a complete reset of the phone. See column 7, lines 47-48 (reproduced above). Cassidy simply mandates a power down and power up (referred to as power cycle) to ensure that the SIM can be properly accessed when the SIM is initially inserted or re-inserted after the WCD is dropped. Hence, Cassidy describes a power off of a WCD followed by an immediate power on of the WCD to achieve a device reset, and does not contemplate a power off of the SIM for power conservation followed by a power on of the SIM at a later time.

Furthermore, notwithstanding the differences between a power management routine and the power reset cycle of Cassidy (i.e., powering down and powering up of the phone), the Cassidy reference also does not disclose or suggest a technique in which a unique identifier entered by a user in response to an initial power up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter the unique identifier. To be sure, in Cassidy, the user always needs to manually enter a security PIN following the power cycle.

The cited passage of Cassidy specifically indicates that when a SIM card is inserted, the PIN checking procedure of FIG. 2A is performed. See column 7, lines 41-43 (reproduced above). FIG. 2A of Cassidy is a very simple flow diagram showing that a user must enter a correct security PIN in order to gain access to the SIM. In this case, following a power cycle as a result of SIM insertion, Cassidy specifically outlines a process for manual security PIN entry. Accordingly, Cassidy fails to suggest the application of a stored identifier at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without

Docket: 010362

needing the user to re-enter the unique identifier. Absent such a teaching, it is unclear how Cassidy could possibly be relied upon for anticipation of the claimed invention.

Later in the cited passage, Cassidy indicates that “in each case [of a power cycle in which the phone is powered off and on], the next steps are then performed.” Clearly, these “next steps” include the security PIN checking procedure, consistent with the teaching of Cassidy (unless security to the SIM is disabled altogether, in which case no security PIN is needed or stored). Thus, in Cassidy, the user always needs to re-enter a security PIN following the power cycle when security to the SIM is enabled. Nothing in Cassidy suggests otherwise. Cassidy simply lacks any teaching, whatsoever, of a technique in which a unique identifier entered by a user in response to an initial power up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter a unique identifier.

It appears that Cassidy actually describes the antithesis of Appellant’s claimed invention insofar as Cassidy specifically indicates that “in each case the next steps are then performed,” which implies that a user always needs to re-enter a security PIN following the power cycle when security to the SIM is enabled. Accordingly, the anticipation rejections of claims 34, 38 and 48 must be reversed.

For at least these reasons, the rejections of independent claims 34, 38 and 48 are improper and must be reversed.

Group 2 - Claims 43, 46 and 51

Dependent claims 43 and 46 are dependent upon independent claim 38.²⁰ Claim 51 is dependent upon independent claim 48.²¹ Dependent claims 43, 46 and 51 are separately patentable from the respective independent claims and do not necessarily stand or fall with the independent claims.

Dependent claims 43, 46 and 51 require the power management routine that manages power to the SIM to terminate power to the SIM in response to a power down command and on the basis of a voting process. In rejecting these claims, the Examiner referred to the same passage of Cassidy reproduced above, i.e., column 7,

²⁰ Claim 43 is also dependent upon intervening dependent claims 41 and 42. Claim 46 is also dependent upon intervening dependent claim 45.

²¹ Claim 51 is also dependent upon intervening dependent claims 49 and 50.

Docket: 010362

line 29 to column 8, line 3. Nothing in this passage of Cassidy or elsewhere discloses or suggests a power management routine that terminates power to the SIM in response to a power down command and on the basis of a voting process, i.e., a voting process to determine whether power should be provided or not.

Indeed, for this rejection, the Examiner seems to have simply restated Appellant's claim language and cited a long passage of Cassidy that is irrelevant to the features of claims 43, 46 and 51. Nothing in Cassidy suggests anything that could be reasonably construed as a voting process, much less a power management routine that terminates power to the SIM in response to a power down command and on the basis of the voting process. Accordingly, for this additional reason, the rejections of claims 43, 46 and 51 should be reversed.

Group 3 - Claims 44, 47 and 52

Dependent claims 44 and 47 are dependent upon independent claim 38.²² Claim 51 is dependent upon independent claim 48.²³ Dependent claims 44, 47 and 52 are separately patentable from the respective independent claims and do not necessarily stand or fall with the independent claims.

Dependent claims 44, 47 and 52 specifically require the termination of power by the power management routine to occur when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM. In rejecting these claims, the Examiner referred to a passage of Cassidy at column 2, line 53 to column 3, line 4. However, this passage is completely irrelevant to the features of claims 44, 47 and 52.

Nothing in this passage of Cassidy or elsewhere discloses or suggests a power management routine that terminates power to a SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM. For this additional reason, the rejections of claims 44, 47 and 52 should be reversed.

SECOND GROUND OF REJECTION UNDER APPEAL

²² Claim 44 is also dependent upon intervening dependent claims 39, 41, 42 and 43. Claim 47 is also dependent upon intervening dependent claims 45 and 46.

²³ Claim 52 is also dependent upon intervening dependent claims 49, 50 and 51.

CLAIMS 35, 39 and 49

Claims 35, 39, and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy in view of Tushie. These rejections, however, are improper for essentially the same reasons that the rejections of independent claims 34, 38 and 48 are improper. In particular, the Cassidy reference lacks any teaching or suggestion of a technique in which a unique identifier entered by a user in response to an initial power up is stored and then applied at a subsequent power up, following a power down of the SIM as part of a power management routine of the WCD, without needing the user to re-enter the unique identifier. Moreover, the Tushie reference lacks any teaching that would remedy this basic deficiency of Cassidy with respect to the independent claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.²⁴ The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Appellant's disclosure.²⁵

In the current case, neither the Cassidy reference nor the Tushie reference provides any teaching or suggestion of the features of the independent claims. The Cassidy reference is discussed in detail above. Tushie concerns data storage devices such as smart cards (similar to credit cards, debit cards, identification cards, or other transaction cards).²⁶ Moreover, the Tushie reference lacks any teaching that would remedy the basic deficiencies of Cassidy addressed above with respect to independent claims 34, 38 and 48.

Group 4 - Claims 35, 39, and 49

²⁴ See MPEP 2143.

²⁵ Id., citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

²⁶ See column 1, lines 14-17 of Tushie.

Docket: 010362

Dependent claims 35, 39, and 49 are dependent upon independent claims 34, 38, and 49 respectively. Dependent claims 35, 39, and 49 are patentable by virtue of their dependence upon patentable independent claims, but are also separately patentable from the respective independent claims. Therefore, claims 35, 39, and 49 do not necessarily stand or fall with the independent claims.

In the final Office Action, the Examiner admitted that Cassidy does not disclose or suggest unique identifiers for SIMs that comprise Integrated Circuit Card Identifiers (ICCIDs). For this feature, however, the Examiner cited Tushie, and concluded that a person of ordinary skill in the art would have been motivated to modify Cassidy to use ICCIDs as unique identifiers for the SIMs.

Appellant respectfully disagrees with the Examiner's conclusion that claims 35, 39 and 49 would have been obvious over Cassidy in view of Tushie. Cassidy and Tushie concern totally unrelated technology. To be sure, Tushie does not appear to be concerned with SIMs whatsoever, nor WCDs. Instead, Tushie concerns data storage devices such as smart cards (similar to credit cards, debit cards, identification cards, or other transaction cards).²⁷ Therefore, a person of ordinary skill in the art would not have been motivated to modify Cassidy to use ICCIDs as unique identifiers for the SIMs.

For the rejections of claims 35, 39 and 49, the Examiner seems to have simply identified a reference (Tushie) that mentions ICCIDs. However, nothing in either Tushie or Cassidy suggests the use of such ICCIDs as unique identifiers for the SIM. For this reason, the features of claims 35, 39, and 49 are lacking from the applied references, and a person of ordinary skill in the art would not have been motivated to modify Cassidy in view of Tushie to arrive at the inventions of claims 35, 39, and 49. For this additional reason, the rejections of claims 35, 39, and 49 are improper and should be reversed.

CONCLUSION OF ARGUMENTS

²⁷ See column 1, lines 14-17 of Tushie.

Docket: 010362

The final Office Action failed to establish anticipation with respect to claims 34, 36-38, 40-48 and 50-53. The final Office Action also failed to establish a prima facie case of obviousness with respect to claims 35, 39, and 49. In view of Appellant's arguments, the final rejections of claims 34-53 are improper and should be reversed.

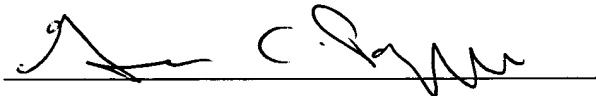
Each of the four different groupings of claims addressed above are separately patentable. Accordingly, the different groups do not necessarily stand or fall together.

Respectfully submitted,

Date:

By:

June 15, 2005
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APPENDIX: CLAIMS ON APPEAL

Claim 34 (Previously presented) A Subscriber Identity Module (SIM) adapted for and powered by a wireless communication device (WCD), the WCD including a power management routine and a memory, the SIM comprising:

means for storing a first unique identifier;

means for receiving a second unique identifier from the WCD at an initial power up of the WCD, the second unique identifier being entered by a user of the WCD;

means for accessing the first unique identifier at the initial power up of the WCD to compare the first unique identifier to the second unique identifier and to permit access to the SIM by the WCD based on the comparison;

means for automatically receiving the second unique identifier at a subsequent power up of the SIM without the user re-entering the second unique identifier following; the SIM having been powered down under control of a power management routine performed by the WCD;

means for comparing the second unique identifier automatically received from the WCD to the first unique identifier following the subsequent power up; and

means for enabling access of the SIM by the WCD based on the comparison following the subsequent power up.

Claim 35 (Previously Presented) The SIM of claim 34, wherein the first and second unique identifiers comprise Integrated Circuit Card Identifiers (ICCIDs).

Claim 36 (Previously Presented) The SIM of claim 34, wherein the SIM includes an interface circuit for interfacing with the WCD, the interface circuit terminating power to the SIM during powering down.

Claim 37 (Previously presented) The SIM of claim 35, wherein the SIM includes an interface circuit for interfacing with the WCD, the interface circuit terminating power to the SIM during powering down.

Docket: 010362

Claim 38 (Previously presented) A wireless communication device (WCD) including a power management routine and a memory and adapted for use with a Subscriber Identity Module (SIM), wherein the SIM stores a first unique identifier, the WCD comprising:

means for storing in the memory a second unique identifier generated in response to a user performing an initial power up of the WCD, wherein the second unique identifier is compared to the first unique identifier stored in the SIM to permit access to the SIM by the WCD following the initial power up;

means, responsive to the power management routine, for powering down the SIM following the initial power up;

means responsive to the power management routine for powering up the SIM following the powering down;

means for automatically transmitting the second unique identifier to the SIM without the user re-entering the second unique identifier following the powering up by the means responsive to the power management routine; and

means for detecting access to the SIM in response to the SIM matching the second unique identifier automatically transmitted from the WCD to the first unique identifier stored in the SIM.

Claim 39 (Previously Presented) The WCD of claim 38, wherein the first and second unique identifiers comprise Integrated Circuit Card Identifiers (ICCIDs).

Claim 40 (Previously presented) The WCD of claim 38, wherein the SIM includes an interface circuit for interfacing with the WCD, the means for powering up the SIM including means for providing power to the SIM.

Claim 41 (Previously presented) The WCD of claim 39, wherein the SIM includes an interface circuit for interfacing with the WCD, the means for powering up the SIM including means for providing power to the SIM.

Docket: 010362

Claim 42 (Previously presented) The WCD of claim 41, wherein the power management routine continues a power management cycle by maintaining power to the SIM when a match between the first and second identifiers occurs, and aborts the power-up process when a match between the first and second identifiers fails.

Claim 43 (Previously Presented) The WCD of claim 42, wherein the power management routine terminates power to the SIM in response to a power down command and on the basis of a voting process.

Claim 44 (Previously Presented) The WCD of claim 43, wherein terminating power to the SIM comprises terminating power to the SIM when to request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

Claim 45 (Previously presented) The WCD of claim 38, wherein the power management routine continues a power management cycle by maintaining power to the SIM when a match between the first and second identifiers occurs, and aborts the power-up process when a match between the first and second identifiers fails.

Claim 46 (Previously Presented) The WCD of claim 45, wherein the power management routine terminates power to the SIM in response to a power down command and on the basis of a voting process.

Claim 47 (Previously presented) The WCD of claim 46, wherein terminating power to the SIM comprises terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

Docket: 010362

Claim 48 (Previously presented) A computer-readable medium comprising instructions, including a power management routine, stored thereon for causing a wireless communication device (WCD) including a memory and adapted for use with a Subscriber Identity Module (SIM) that stores a first unique identifier to:

store in the memory a second unique identifier generated in response to a user performing an initial power up of the WCD, wherein the second unique identifier is compared to the first unique identifier stored in the SIM to permit access to the SIM by the WCD following the initial power up;

power down the SIM in response to the power management routine following the initial power up;

power up the SIM in response to the power management routine following the power down;

automatically transmit the second unique identifier to the SIM without the user re-entering the second unique identifier following the power up in response to the power management routine; and

detect access to the SIM in response to the SIM matching the second unique identifier automatically transmitted from the WCD to the first unique identifier stored in the SIM.

Claim 49 (Previously Presented) The computer readable medium of claim 48, wherein the first and second unique identifiers comprise Integrated Circuit Card Identifiers (ICCID).

Claim 50 (Previously presented) The computer readable medium of claim 49, wherein the power management routine continues a power management cycle by maintaining power to the SIM when a match between the first and second identifiers occurs and aborts the power-up process when a match between the first and second identifiers fails.

Claim 51 (Previously presented) The computer readable medium of claim 50, wherein the power management routine terminates power to the SIM in response to a power down command and on the basis of a voting process.



Docket: 010362

Claim 52 (Previously presented) The computer readable medium of claim 51, wherein terminating power to the SIM comprises terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

Claim 53 (Previously Presented) The computer readable medium of claim 48, wherein the SIM includes an interface circuit for interfacing with the WCD, the instruction for powering up the SIM including providing power to the SIM.